

UMO 1528
PATENT

#12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Van De Mark et al.
Serial No. 09/532,839
Filed March 21, 2000
Confirmation No. 7157
For WATER BORNE FILM-FORMING COMPOSITIONS
Examiner Edward J. Cain

Art Unit 1714

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

We, Michael R. Van De Mark and Nantana Jiratumnukul, declare as follows:

RECEIVED
MAR - 7 2003
TECHNOLOGY CENTER 1700

1. We are inventors of the subject matter claimed in the above-entitled United States patent application, Serial Number 09/532,839. Since January, 1986, Dr. Van De Mark has been an Associate Professor of Chemistry at the University of Missouri, Rolla. Dr. Jiratumnukul was a graduate student of Dr. Van De Mark's at the University of Missouri, Rolla, where she obtained her Ph.D. Since December, 2000, Dr. Jiratumnukul has been a lecturer in the Department of Materials Science at Chulalongkorn University in Bangkok, Thailand.
2. We conceived and reduced to practice the invention claimed in this application in the United States before February, 1999.
3. All work referred to herein was carried out in the United States.
4. Evidence of our conception and reduction to practice of film-forming compositions comprising a methyl ester of soy oil is attached hereto as Exhibit A. On

UMO 1528
PATENT

information and belief, Exhibit A is a true and correct copy of one page of a laboratory notebook (with the date deleted) maintained by Dr. Jiratumnukul who, at the time the work described in these notebook pages was performed, was working under the direction and supervision of Dr. Van De Mark. The work described on this page was carried out prior to February, 1999. Exhibit A identifies and describes the preparation of paint formulations (i.e., film-forming compositions) comprising the methyl ester of soy oil as the coalescent aid and further comprising either FLEXBOND 325 (vinyl acetate latex) or UCAR 379G (vinyl acrylic latex). The other components of these compositions are as follows: water, PG (propylene glycol), X-102 (Triton X-102, a surfactant), Tamol 850 (a dispersant), Wet 260 (a wetting agent), AMP 95 (a pH modifier), RM 825 (Acrysol RM 825, an associative thickener), TP-900 (titanium dioxide), Atomite (calcium carbonate), and Drewplus 493 (Drewplus L-493, a defoamer). As such, Exhibit A evidences our conception and reduction to practice of film-forming compositions comprising the methyl ester of soy oil prior to February, 1999.

5. We were not aware of Rauls, U.S. Patent No. 6,156,833, prior to the filing of this application.

6. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Michael R. Van De Mark

2/21/03

Date